

**Inc. Village of Northport  
Approved Minutes of the Planning Board**

April 30, 2013

There was a regular meeting and a public hearing of the Planning Board held tonight at Village Hall beginning at 7:00pm. Present were: Chairman Richard Boziwick, Paul Ersboll, Robert Flynn, Lizbeth Thalheimer, Gene Guido, Village Administrator, Ed Gathman, Planning Board Attorney and Joy Nygren, Planning Board Secretary. Absent was: Martin Rebholz.

**809 Fort Salonga Road – site plan application**

There was no representation for this matter.

Ms. Thalheimer recuses herself from this application, as the applicant is a client.

The Board discussed the matter of curbing along this property, and those all along that stretch of 25A. The proposed site plan calls for a curb planter, but not curbs along 25A.

Ms Thalheimer re-enters the room.

**Krulik, 175 Bayview Ave – steep slope application**

Present was Ken Savin, attorney, and Richard Krulik, the applicant.

Chairman Boziwick asked Mr. Savin if the applicant was willing to agree to a covenant that states that the property can't be further subdivided. Mr. Savin stated that he was against a covenant that it is forever, and that any subdivision application would have to come back to this Board.

On the motion of Chairman Boziwick, seconded by Ms. Thalheimer, with Mr. Flynn abstaining, the Board waived the reading of the resolution. On the motion of Chairman Boziwick, seconded by Ms. Thalheimer, with Mr. Flynn abstaining, the Board adopted the following amended resolution:

**WHEREAS:** A steep slope application from Richard Krulik was received on September 28, 2012, and

**WHEREAS:** The April 24, 2013 report from Gannett Fleming states that application is complete and now recommends approval, and

**WHEREAS:** The April 24, 2013 Gannett Fleming report further states that the approval is based on the Planning Board decisions as indicated in this and the prior three reports and conditioned on the applicant complying with all the requirements outlined in those reports, and

**BE IT RESOLVED:** The Planning Board finds that the proposed action is an Unlisted Action and is in receipt of a Short Environmental Assessment Form filled out by Applicant, and

**BE IT FURTHER RESOLVED:** That the Richard Krulik steep slope application, for the proposed work to be done at 175 Bayview Avenue is hereby approved, and

**BE IT FURTHER RESOLVED:** The Planning Board decisions and conditions from the four Gannett Fleming reports are listed as conditions for approval below:

1. The applicant will replace the Village sanitary sewer line as described on its drawings which will include a design certified by a licensed engineer. The replacement will be performed to continuously maintain sewage flow during the work.
2. The retaining walls to be constructed on-site are to be designed and certified by a professional engineer.
3. The applicant will submit a Stormwater Pollution Prevention Plan (SWPPP) in accordance with Village code section 255 as part of the Building Permit process.
4. Vehicles will enter and exit the site during construction only from Bayview Avenue. Construction and service vehicle entrance to the site from Fairview Court after construction is complete should be addressed by the Planning Board as part of its conditions of approval.
5. The applicant will meet FEMA and Village Floodplain Development permit requirements and apply for a Village Floodplain Development permit during the Building Permit process.
6. The work will be performed by the applicant in accordance with a vibration monitoring and control plan which will be submitted as part of the Building Permit process.
7. The applicant will certify that the fill brought on-site is clean fill.
8. The applicant has submitted a short environmental assessment form in accordance with SEQR requirements. We recommend that the Planning Board indicate that they have determined that the proposed project will not result in any significant adverse environmental impacts and that they will have GF prepare the SEQR paperwork to support this determination for their signature.
9. It should be noted that GF's reports and the applicant's responses include other requirements that will need to be carried forward in the design,

- permitting and construction process and compliance with these requirements should also be considered a Condition of Approval.
10. The Planning Board should determine if they will require the applicant to provide a performance bond. If a bond is required, we recommend that the Board identify the work the Bond should cover and have the applicant provide an estimate for this work for our consideration and use in providing the estimate to the Board.
  11. The applicant's engineer shall submit a brief report and a suggested Bond amount to cover any potential road damage that could occur to any Village road during the delivery of the fill needed to complete this project. This amount shall be approved by the Village and posted by the Applicant, prior to any Building Permit being issued.

### **DiCanio, 157 Bayview Ave – steep slope application**

Present was Eric Fauser, of Fauser Associates, and Vince DiCanio, the contract vendee.

Mr. Fauser stated that he had some comments regarding the April 24, 2013 memo from the Village engineering firm of Gannett Fleming. The Board stated that they were looking for a procedure that will be followed on-site. Mr. Fauser stated that he created a schedule of operations with Mr. DiCanio that is dated with today's date. After some discussion, the applicant agreed to modify that schedule of operations and re-submit to the Village.

On the motion of Chairman Boziwick, seconded by Ms. Thalheimer, the Board unanimously waived the reading of the following resolution. On the motion of Chairman Boziwick, seconded by Ms. Thalheimer, the Board unanimously adopted the following resolution, as amended:

**WHEREAS:** A steep slope application was received on September 13, 2012 from Vincent DiCanio, and,

**WHEREAS:** The April 24, 2013 report from Gannett Fleming states that application is complete and now recommends approval with conditions, and

**WHEREAS:** The April 24, 2013 Gannett Fleming report further states that the approval is based on the Planning Board decisions as indicated in this and the prior three reports and conditioned on the applicant complying with all the requirements outlined in those reports, now

**BE IT RESOLVED:** The Planning Board agrees that the proposed action is an Unlisted Action and is in receipt of a Short Environmental Assessment Form filled out by the Applicant, and

**BE IT FURTHER RESOLVED:** That the Vincent DiCanio steep slope application, for the proposed work to be done at 157 Bayview Avenue is hereby approved with the following conditions:

1. A below grade Village sewer pipeline appears to cross under the applicant's property. The applicant indicates that it appears to be located in the area of the existing structure. The applicant indicates that they will determine the location and condition of the existing sewer pipeline during construction. The applicant is to then determine if the proposed work (either during construction or the constructed work itself) will damage or interfere with the integrity of the pipeline, its operational ability and its future maintenance and provide a plan for Village approval to address these concerns to the Village's satisfaction. This work must be coordinated with the Village. The applicant is to provide a plan which addresses these requirements before implementing any infield investigations.

2. The applicant indicates that the plans have been reviewed by a professional engineer and that the drawings will be signed and sealed by a PE and submitted to the Village as part of the Building Permit process and during construction. A number of comments in our reports need to be addressed by this certification. We recommend that the applicant and their engineer coordinate this on site work and certification with the Village prior to the start of construction so it is scheduled and conducted in a way that satisfies the Village.

3. The applicant will certify that the fill brought on-site is clean fill.

4. The applicant indicates that the existing fuel oil tank at the existing house will be pumped, cleaned and removed in accordance with current regulations.

5. Several of the existing retaining walls appear to extend across the property line on the north side of the site and onto the neighboring property. The applicant indicates that it intends to perform work on the adjacent property because both properties are currently owned by the same entity. The Planning Board should decide how they want to proceed with this element of the application.

6. The applicant, as part of its engineering structural evaluation, should assess if the existing seawall needs to be repaired in order for it to collect stormwater as has been indicated and implement these repairs. This also relates to the use of this wall as part of the erosion and sediment control plan during construction.

7. The applicant will submit a Stormwater Pollution Prevention Plan (SWPPP) in accordance with Village code section 255 as part of the Building Permit process.
8. The applicant will meet FEMA and Village Floodplain Development permit requirements and apply for a Village Floodplain Development permit during the Building Permit process.
9. The work will be performed by the applicant in accordance with a vibration monitoring and control plan which will be submitted as part of the Building Permit process.
10. The applicant is proposing to reconstruct the deck along the west side of the property which is not entirely on the applicant's property. The applicant must either obtain approval from the property owner for the work or provide information which shows that such approval is not needed.
11. The November 21, 2012 report asked that the applicant consider providing steps (or some other means of foot access) at the 8' retaining wall for access along the north side of the house for emergency personnel entry and exit. The south side is accessible as there are no retaining walls proposed. Access will also be needed to allow maintenance of the sewer pipeline by the Village to occur. The Planning Board should determine what access provisions they will require as part of their approval.
12. The work will be performed by the applicant in accordance with a vibration monitoring and control plan which will be submitted as part of the Building Permit process.
13. The applicant has submitted a short environmental assessment form in accordance with SEQR requirements. We recommend that the Planning Board indicate that they have determined that the proposed project will not result in any significant adverse environmental impacts and that they will have GF prepare the SEQR paperwork to support this determination for their signature.
14. It should be noted that GF's reports and the applicant's responses include other requirements that will need to be carried forward in the design, permitting and construction process and compliance with these requirements should also be considered a Condition of Approval.
15. The Planning Board should determine if they will require the applicant to provide a performance bond. If a bond is required, we recommend that the Board identify the work the Bond should cover and have the applicant provide an estimate for this work for our consideration and use in providing the estimate to the Board.

16. A pre-construction must be meeting held with the Village Administrator, the Building Inspector and the applicant prior to the issuance of a building permit.

### **Spencer, 178 Woodbine Ave – steep slope application**

There was no representation for this matter.

The Board briefly discussed this matter, which involves retaining walls along the property line.

The Board briefly discussed, and on the motion of Chairman Boziwick, seconded by Mr. Flynn, the Board waived the reading of the resolution. On the motion of Chairman Boziwick, seconded by Mr. Ersboll, the Board unanimously adopted the following resolution:

**WHEREAS:** A steep slope application and plans were received from Harvey and Leslie Spencer for 178 Woodbine Avenue, Tax Map # Section: 2 Block: 02 Lot: 12.3 on 4/3/13, and

**WHEREAS:** The April 26, 2013 Village Administrator report states that the proposed action should be deemed as a Type II action, that the application is complete and recommends conditional approval, and

**BE IT RESOLVED:** The Planning Board accepts the findings that the proposed action be designated as a Type II action and that no additional environmental review is required, now therefore

**BE IT FURTHER RESOLVED:** That the Spencer steep slope application, for the proposed retaining wall work and associated patios to be constructed at 178 Woodbine Avenue is hereby approved, and that the approval is subject to the following conditions:

1. The existing sewer and underground utilities need to be shown on the survey and approved before a Building Permit is issued.
2. The rainfall calculations, associated drywells and their locations need to be submitted and approved for a 4" rainfall per the Northport Village code, for all patio and driveway areas before issuance of a Building Permit.
3. An approvable stormwater plan is to be submitted with the Building Permit application.
4. Upon completion of the project, a final inspection and an as built plan shall be submitted and approved before Final approval of the Steep Slope application.

## **McGlynn, 81 Bayview Ave – steep slope application**

Present was Matthew Crane, a land surveyor from the firm, Hawkins, Webb & Jaeger.

Mr. Crane stated that the intent of this application is to replace some failing and add some new retaining walls.

The Board briefly discussed the matter, and on the motion, Chairman Boziwick, seconded by Ms. Thalheimer, the Board waived the reading of the resolution. On the motion of Chairman Boziwick, seconded by Mr. Ersboll, the Board unanimously adopted the following resolution:

**WHEREAS:** A steep slope application and plans were received from Lorelei McGlynn for 81 Bayview Avenue, Tax Map # Section: 6 Block: 01 Lot: 27 on 4/16/13, and

**WHEREAS:** The April 26, 2013 Village Administrator report states that the proposed action should be deemed as a Type II action, that the application is complete and recommends conditional approval, and

**BE IT RESOLVED:** The Planning Board accepts the findings that the proposed action be designated as a Type II action and that no additional environmental review is required, now therefore

**BE IT FURTHER RESOLVED:** That the Lorelei McGlynn steep slope application, for the proposed retaining wall work and associated patios to be constructed at 81 Bayview Avenue is hereby approved, and that the approval is subject to the following conditions:

1. The existing sewer and water utilities need to be shown on the survey and approved before a Building Permit is issued.
2. An approvable stormwater plan is to be submitted with the Building Permit application.
3. Upon completion of the project, an as-built plan shall be submitted before Final approval of the Steep Slope application.

John Desiderio, of 48 Milland Drive approached the Board regarding the Britannia site plan, and stated that he would like to have the traffic flow changed on the site. The Board stated that they needed to review the approved site plan, and that they would re-visit this issue at a future meeting.

On the motion of Chairman Boziwick, seconded by Ms. Thalheimer, the meeting was adjourned. The next regularly scheduled meeting will be held on Tuesday, May 28, 2013.